

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOC #:  
DATE FILED: 12/5/2023

STUDIO - D,

Plaintiff,

-against-

THE WAVERLY GROUP, WAVERLY STAGING  
& DESIGN LLC, JANE SAIDENBERG, and  
ZOE DIAMANT,

Defendants.

1:23-cv-9001-MKV

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

Defendants Waverly Staging & Design LLC (“Waverly Staging”) and Jane Saidenberg (“Saidenberg”) submitted a request for a pre-motion conference on their anticipated motion to partially dismiss the Plaintiff’s complaint (ECF #19). Plaintiff opposes the request and asks that the case move forward into discovery (ECF #21). After reviewing the arguments set out in the parties’ letters, the motion for a pre-motion conference is DENIED, and Defendants Waverly Staging and Saidenberg are GRANTED leave to file a motion to dismiss on the schedule set forth below.

IT IS FURTHER ORDERED that on or before December 12, 2023, Plaintiff must inform the Court via letter whether it intends to amend its complaint. This will be Plaintiff’s last opportunity to amend the complaint in response to arguments raised in the parties’ letters.

IT IS FURTHER ORDERED that if the Plaintiff does not amend its complaint, Defendants Waverly Staging and Saidenberg must file their motion to dismiss on or before December 31, 2023. Further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

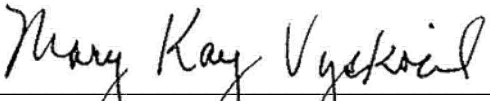
IT IS FURTHER ORDERED that if the Plaintiff elects to amend its complaint, the amended complaint is due on or before December 31, 2023. Defendants Waverly Staging and Saidenberg

must respond to any amended complaint within 14 days of its filing. In the event Defendants Waverly Staging and Saidenberg file a new motion to dismiss, the briefing for that motion will be on the schedule set forth in Local Rule 6.1(b).

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

**SO ORDERED.**

Dated: December 5, 2023  
New York, New York

  
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MARY KAY VYSKOČIL  
United States District Judge